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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/589,414      | 06/07/2000  | Tunc M. Kahveci      | 10717RNUS01U        | 8459             |

38069 7590 08/02/2004

R. TODD MORGAN PLLC  
103 BALSAMWOOD COURT  
CARY, NC 27513

EXAMINER

NGUYEN, QUANG N

ART UNIT PAPER NUMBER

2141

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/589,414

Applicant(s)

KAHVECI ET AL.

Examiner

Quang N. Nguyen

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,4-5,8-21,24-30,40-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-5,8-21,24-30,40-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

***Detail Action***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/18/2004 has been entered.

Claims 1, 4, 5, 8, 9, 19-21 and 24-30 have been amended. Claims 2-3, 6-7, 22-23 and 31-39 have been cancelled. Claims 40-46 have been added as new claims. Claims 1, 4-5, 8-21, 24-30 and 40-46 are presented for examination.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 4-5, 8-12, 40-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herman et al. (US 6,341,353), herein after referred as Herman, in view of Tracton et al. (US 6,470,378), herein after referred as Tracton.**

4. As to claim 1, Herman teaches a computer system for managing data exchanges among plurality network nodes comprising:

a Managed Packet Backbone Server "MPBS" disposed to communicate with the plurality of network nodes (*a Transactor Server 20 provides transaction and ownership authentication to their clients, who maybe other Transactor servers, game servers, game users and Transactor users*) (Herman, Fig. 2, C4: L53-61);

at least one Customer Premises Equipment "CPE" node communicable with the Managed Packet Backbone Server "MPBS" (*consumer end-users 30 comprise terminals 31, 32, and 33, and end-user individuals 35, 36, 37, and 38 communicate with the Transactor Server 20*), wherein said at least one CPE node transmits a registration request to the MPBS comprising a CPE profile (*consumer fills out registration form including Charge Account and Bank Account Info to be submitted to Transactor Server 20 in steps 106-110 of Fig. 3*) (Herman, Figs. 2-3, C6: L1-31); and

at least one Application Service Provider "ASP" node communicable with the Managed Packet Backbone Server "MPBS", wherein said at least one ASP node transmits a registration request to the MPBS comprising an ASP profile (*an application service provider 50 maybe a general Internet service provider, a game specific service provider, an open network market-specific service, a closed or private network service,*

*or any other service provided over a computer network which also registers its services with the Transactor Server 20)* (Herman, Fig. 2, C3: L59-64 and C4: L7-12); wherein

the Managed Packet Backbone Server "MPBS" (*i.e., the Transactor Server 20*) manages transactions among said at least one Customer Premises Equipment "CPE" node (*i.e., consumer end-users 30*) and said at least one Application Service Provider "ASP" node (*i.e., application/game service provider 50*) (Herman, Fig. 2, C4: L53-61).

However, Herman does not explicitly teach the managed packet backbone server (MPBS) reserving resources for communications among said at least one Customer Premises Equipment (CPE) node and said at least one Application Service Provider (ASP) node.

In the related art, Tracton teaches a method and system for dynamic content customization in a client/server environment, wherein a request is received from a client having certain capabilities (*i.e., client profile can include detailed information about the client architecture and network configuration such as network theoretical-speed, actual-throughput, network type (e.g., TCP/IP, IPX, AppleTalk), routing data, firewall latency, etc.*) and this request is automatically satisfied in a manner tailored to the capabilities of the client (*i.e., reserving resource for communications with the clients*) (Tracton, Abstract and C5: L30-65).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Herman and Tracton to include a managed packet backbone server to reserve resources in a managed packet network for communications among said at least one Customer Premises Equipment

(CPE) node and said at least one Application Service Provider (ASP) node since such methods were conventionally employed in the art to employ the source and destination addresses, policy management information, and resource utilization state to determine whether to set up, limit, or reject the data transmission in response to a user request (*e.g., to determine a routing path between the necessary resources has sufficient bandwidth, authorization for performing the requested media service*) to protect the network from misuse and unauthorized access.

5. As to claims 40 and 41, Herman-Tracton teaches the computer system of claim 1, wherein said CPE/ASP profile comprises the bandwidth, network connection types, applications resident on the CPE/ASP node and features supported by the CPE/ASP node (Tracton, C5: L49-65).

6. As to claim 42, Herman-Tracton teaches the computer system of claim 41, wherein said CPE profile and said ASP profile further comprises account information (*i.e., login ID/password, charge account, bank account*) that distinctly identifies the respective at least one CPE node and the at least one ASP node (Herman, C6: L1-31).

7. As to claim 43, Herman-Tracton teaches the computer system of claim 42, wherein said CPE node receives an integrated signal comprising a plurality of component multi-media signals (*movie clips, online games, etc., comprising video and audio signals*), and wherein said CPE node processes and distributes the plurality of

component multi-media signals to respective user interfaces (*display screen and speakers*) that make use of said component multimedia signals.

8. As to claim 44, Herman-Tracton teaches the computer system of claim 43, wherein said MPBS communicates with said CPE node and said ASP node using a managed packet network protocol (*standard HTTP protocol*), said managed packet network protocol comprising a mechanism for registration, authentication and security (RAS), a mechanism providing billing service, and mechanism providing route discovery and advertisement (Herman, C38: L52-58).

9. As to claims 4-5, Herman-Tracton teaches the computer system of claim 44 wherein the at least one CPE (or ASP) node registers with the MPBS and the MPBS issues an authentication key (*the Transactor server creates new accounts and issues private data such as user keys, passwords to the consumers*) to the at least one CPE (or ASP) node it registers (Herman, Fig. 3 and corresponding text, C6: L17-26).

10. As to claims 8-9, Herman-Tracton teaches the computer system of claim 5 wherein a request from the at least one CPE node to establish a session with the at least one ASP (or with another CPE) node is managed by the MPBS (*e.g., online games/purchases, downloading/watching movies*) (Herman, C6: L47-67 and C7: L1-17).



11. As to claims 10-12, Herman-Tracton teaches the computer system of claim 8 wherein:

the Transactor Server 20 validates the Transaction record and contents, e.g., appropriate user ID (*i.e., private data containing user key, password, etc.*) and product information (*i.e., verifies that the CPE node has a valid authentication key*) (Herman, C6: L64-67 and C7: L1-13);

the consumer's TOM sends signals indicating an intent to purchase, along with the appropriate user ID and product information to the vendor's web site, (*i.e., one of the at least one CPE nodes initiates a session with one of the at least one ASP nodes by sending a session request to the ASP node*) (Herman, C6: L47-51);

the vender's server receives the purchase OK, repackages the existing unite with the consumer's ID, and then sends the object to the consumer or sends notification of where to download the object via FTP (*i.e., one of the at least one ASP nodes verifies a received session token and establishes a session with one of the at least one CPE nodes if the session token is valid*) (Herman, C7: L7-17).

**12. Claims 13-21, 24-30 and 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herman, in view of Tracton, and further in view of Gregg et al. (US 6,516,416), herein after referred as Gregg.**

13. As to claim 13, Herman-Tracton teaches the computer system of claim 12, but does not explicitly teach one of the at least one CPE nodes sends a session initiation

message to the MPBS upon establishment of a session with one of the at least one ASP nodes.

In the related art, Gregg teaches the clearinghouse (*authentication server*) stores client and server identification data, including demographic data, URL data, usage data and billing information; authenticates the subscriber and server computers before an operating session occurs wherein the client (*i.e., CPE*) sends a session initiation message to the clearinghouse user authentication server (*i.e., MPBS*) upon establishment of a session with the application server (*i.e., ASP*) (Gregg, steps 140-154 of Fig. 18 and C17: L19-65).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Herman-Tracton and Gregg to include the client sending a session initiation message to the authentication server upon establishment of a session with the application server because it would allow the managed (transactor/authentication) server to provide effective authentication and usage tracking for the session.

14. As to claim 14, Herman-Tracton-Gregg teaches the computer system of claim 13 wherein the server application invokes the appropriate service function to send the protected content to the user and the server application invokes the transaction monitor to send an end transaction message to the session validator (*i.e., one of the at least one CPE (or ASP) nodes sends a session termination event message to the MPBS upon termination of a session*) (Gregg, step 188 of Fig. 19 and C18: L5-9).

15. As to claim 15, Herman-Tracton-Gregg teaches the computer system of claim 14 wherein the client messenger invokes the network user tracker to collect all network usage data and sends it to the usage tracking collector which then sends the network usage data to the clearinghouse's network usage tracking server and the server updates the clearinghouse database with the network usage data (*i.e., one of the at least one CPE nodes sends data pertaining to the number and type of data packets received during a session with one of the at least one ASP nodes to the MPBS*) (Gregg, Fig. 23 and corresponding text, C19: L54-60).

16. As to claims 16-18, Herman-Tracton-Gregg teaches the computer system of claim 15 wherein the MPBS calculates a fee based on the data pertaining to the number and type of data packets exchanged in a session and bills an account associated with one of the at least one CPE or ASP (*i.e., the Transactor Server determines all splits and fees for all accounts involved for the transaction*) (Herman, C7: L1-6).

17. Claim 19 is a corresponding combination system claim of claims 1, 10, 40 and 43; therefore, it is rejected under the same rationale.

18. Claim 20 is a corresponding CPE node claim of MPBS claim 19; therefore, it is rejected under the same rationale.

19. Claim 21 is a corresponding ASP node claim of MPBS claim 19; therefore, it is rejected under the same rationale.

20. Claims 24-26 are corresponding computer program product claims of claims 19-21; therefore, they are rejected under the same rationale.

21. Claims 27 and 29 are corresponding method of exchanging data claims of claim 19; therefore, they are rejected under the same rationale.

22. Claims 28, 30 and 45-46 are corresponding claims of claims 15-16; therefore, they are rejected under the same rationale.

### ***Response to Amendment***

23. In response to arguments in the remarks about new limitations amended in claims 1, 19-21, 24-27 and 29, please see the rejections in paragraphs 4-7 above.

24. Applicant's arguments as well as request for reconsideration filed on 06/18/2004 have been fully considered but they are moot in view of the new ground(s) of rejection.

25. Further references of interest are cited on Form PTO-892, which is an attachment to this office action.

Art Unit: 2141

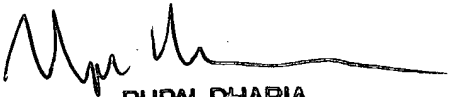
26. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (703) 305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (703) 305-4003. The fax phone number for the organization is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Quang N. Nguyen

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER